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6 Counsel for Defendant LOPEZ-MENERA
7

8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10

11 UNITED STATES OF AMERICA,)	No. CR- 07-0653 SI
)	
12 Plaintiff,)	
)	DECLARATION OF ELIZABETH M. FALK
13 vs.)	AUTHENTICATING DOCUMENTS
)	RECEIVED IN DISCOVERY FROM THE
14 ABEL LOPEZ-MENERA,)	UNITED STATES OF AMERICA IN
)	SUPPORT OF MOTION TO DISMISS
15 Defendant.)	
)	

16
17 I, Elizabeth M. Falk, DECLARE;
18

- 19 1. I am an Assistant Federal Public Defender and am counsel of record
20 for Mr. Lopez-Menera in the aforementioned action;
21 2. I submit this declaration to authenticate documents that I received
22 from the United States of America as discovery in the above
23 captioned case. It is my understanding that the Assistant United
24 States Attorney assigned to this matter obtained the below referenced
25
26

1 documents, attached hereto as Exhibits A-K, from the Immigration
2 and Customs Enforcement Service ("ICE") and that these documents
3 are contained within Mr. Lopez-Menera's alienage and nationality
4 file. For the Court's convenience, the documents are attached and
5 discussed in Defendant's motion in chronological order;
6

- 7 3. Attached hereto as Exhibit A is a true and correct copy of a Judgment
8 and Commitment Order for Mr. Lopez-Menera dated 10-29-1997;
9
- 10 4. Attached hereto as Exhibit B is a true and correct copy of Mr. Lopez-
11 Menera's CLETS report, documenting his criminal history;
12
- 13 5. Attached hereto as Exhibit C are true and correct copies of both 1) a
14 Warrant for Arrest of Alien, and 2) a Final Administrative Removal
15 Order in English and Spanish, dated December 22, 1997, which states
16 that Mr. Lopez-Menera had been convicted of an aggravated felony;
17
- 18 6. Attached hereto as Exhibit D is a true and correct copy of a Notice of
19 Intent to Issue a Final Administrative Removal Order, which appears
20 to be dated 3/4/1998, and states that Mr. Lopez-Menera had been
21 convicted of an aggravated felony;
22
- 23 7. Attached hereto as Exhibit E are true and correct copies of a Warrant
24 for Arrest of Alien dated May 15, 1998, and a Notice of Intent to Issue
25 a Final Removal Order, dated 6/8/1998 that states that Mr. Lopez-
26

1 Menera had been convicted of an aggravated felony;

2 8. Attached hereto as Exhibit F is a true and correct copy of a Record of
3 Deportable Alien, completed and signed by an Immigration official
4 on 9/17/1998;

5
6 9. Attached hereto as Exhibit G are true and correct copies of the Notice
7 to Appear issued to Mr. Lopez-Menera on September 18, 1998, as
8 well as the Notice to Respondent signed by Mr. Lopez-Menera on
9 September 21, 1998;

10
11 10. Attached hereto as Exhibit H is a true and correct copy of the
12 Deportation Hearing Worksheet that is present in Mr. Lopez-
13 Menera's A-File, dated 9/24/1998, which was the date of his
14 deportation hearing;

15
16 11. Attached hereto as Exhibit I are true and correct copies of the Order
17 of the Immigration Judge, Warrant of Removal, and Warning to Alien
18 Removed or Deported, dated September 24, 1998;

19
20 12. Attached hereto as Exhibit J is a true and correct copy of the
21 Deportation Case Checklist, dated September 29, 2007;

22
23 13. Attached hereto as Exhibit K is a true and correct copy of the
24 Departure Verification Record indicating Mr. Lopez-Menera was
25 deported on October 16, 1998
26

1 14. I have also attached hereto the factual declarations in support of
2 Defendant's Motion from fact witnesses and expert witnesses. These
3 documents were not received from the government in discovery, but
4 were separately obtained by me. As such, the Court should know that
5 Exhibits L, M, and N were not provided to me by the government. I
6 only attach these affidavits to this authentication declaration for the
7 Court's convenience, so all the supporting documentation is
8 submitted together in a single document;
9

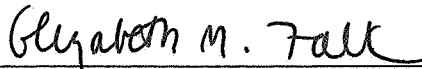
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11 15. As such, attached hereto as Exhibit L is a true and correct copy of the
12 Declaration of Abel Lopez-Menera, executed November 16, 2007;
13

14 16. Attached hereto as Exhibit M is a true and correct copy of the
15 Declaration of Sally Dietz, a family friend of Mr. Lopez-Menera,
16 executed November 29, 2007;
17

18 17. Attached hereto as Exhibit N is a Declaration of Angela Bean, Esq.,
19 an immigration lawyer acting as an expert witness for Defendant.
20

21 I declare under penalty of perjury that the foregoing is true and correct.

22 Sworn this 30th day of November, 2007, at San Francisco, California.
23

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25 ELIZABETH M. FALK
26 Assistant Federal Public Defender